United Nations CCPR/C/GIN/Q/3

International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues in relation to the third periodic report of Guinea*

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. Please provide more information on measures taken to ensure, in practice, the primacy of the Covenant over domestic law. Please provide examples of any cases in which the courts have directly applied the provisions of the Covenant. Please indicate whether the State party intends to ratify the first Optional Protocol to the Covenant. Please specify what measures have been adopted to resolve the incompatibilities between customary law and the provisions of the Covenant.

2. Please provide further information on the independent national human rights institution and specify its powers, staffing levels, budget and the actions it has already undertaken. Please also provide information on all measures taken to ensure that all human rights institutions, in particular the Ministry of Human Rights and Public Liberties, the National Ombudsman and the Committee for Monitoring the Rights of the Child have sufficient financial and human resources to carry out their missions.

Combating corruption (art. 2)

3. Please indicate all measures taken to combat corruption, which undermines the rule of law and leads to violations of the Covenant.

State of emergency (art. 4)

4. In relation to the state of siege and the state of emergency declared in 2007, 2010 and 2014, please provide further information on the Covenant rights that have been de facto suspended and on measures taken to ensure that such suspensions are not disproportionate. Please indicate the nature of the "serious violations" reported in 2007 and 2010, mentioned in paragraph 64 of the report (CCPR/C/GIN/3), and describe the measures taken to investigate these violations.

The fight against impunity and past human rights violations (arts. 2, 6, 7 and 14)

5. Please state what progress has been made towards the establishment of the High Court of Justice. Please indicate all measures taken to combat impunity, including in respect of law enforcement officials, paying particular attention to the steps taken to prosecute alleged perpetrators of violations committed during the crackdowns that took place in January and February 2007, the events of 28 September 2009, the incidents in Zogota in August 2012, the intercommunal violence of 15, 16, 17 and 18 July 2013, the

* Adopted by the Committee at its one hundred and twenty-second session (12 March–6 April 2018).

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attacks in Womey on 16 September 2014 and the numerous cases of torture. With regard to the events of 28 September 2009: (a) please provide information on the status of the legal proceedings and indicate whether the perpetrators identified or suspected by the International Commission of Inquiry are being prosecuted; (b) please respond to allegations that persons charged with crimes against humanity in the context of the 2009 events continue to occupy important positions of authority; (c) please indicate the steps taken to ensure the right to compensation of victims and their families; and (d) please indicate all measures taken to ensure that victims' families enjoy the right to the truth, particularly in respect of burial sites.

6. Please indicate the measures taken to ensure the success of the national reconciliation process and provide details of the status, mandate and resources of the provisional National Reconciliation Commission, the actions already undertaken and the results achieved.

Non-discrimination (arts. 2, 7, 24, 25 and 26)

7. Please clarify whether there is comprehensive legislation that: (a) clearly defines and criminalizes direct and indirect discrimination; (b) contains a complete list of prohibited grounds for discrimination, including sexual and gender identity and disability; and (c) provides effective remedies for victims. Please state the number of complaints recorded and prosecutions conducted on the grounds of discrimination in the State party. Please describe the measures taken to combat and prevent acts of discrimination, stigmatization and violence against: (a) persons with albinism; (b) survivors of Ebola virus disease; (c) persons with HIV/AIDS; (d) children born out of wedlock; (e) persons belonging to ethnic minorities; and (f) persons belonging to sexual or gender minorities. With regard to the last issue, please indicate whether the State party intends to revise article 274 of the Criminal Code, which criminalizes sexual acts between persons of the same sex and associates such acts with bestiality. Please indicate the measures taken to ensure, in practice, that persons with disabilities do not face discrimination in any area, including education and participation in public affairs.

Equality between men and women, and discrimination against women (arts. 2, 3, 23, 25 and 26)

8. Please provide further information on measures taken to: (a) implement the 30 per cent quota, established by the Electoral Code of 2017, for women nominated by political parties for parliamentary elections; (b) increase the representation of women in public life, especially in decision-making positions; and (c) ensure the implementation of the relevant provisions of the 2014 Labour Code.

9. With regard to the revision of the Civil Code, please provide information on the current status of this project and indicate whether the State party has undertaken to remove the discriminatory provisions against women in the area of family law, in particular with regard to: (a) polygamy, repudiation and adultery; (b) the transmission of women's nationality; (c) the choice of residence and custody of children; and (d) the freedom to work.

Violence against women and harmful practices (arts. 2, 3, 6, 7 and 26)

10. In view of the social acceptance of violence against women, please indicate whether the State party intends to adopt a law and a comprehensive strategy to combat violence against women. Please provide information on the measures taken to eradicate impunity for sexual violence, in particular those measures intended to: (a) do away with taboos and women's fear of being stigmatized and encourage victims to file complaints; (b) prevent the conclusion of amicable agreements following sexual violence; (c) provide the police, hospital staff and legal professionals with training on issues related to sexual violence; and (d) assist women victims of violence, in particular by establishing shelters and care facilities.

11. Please describe the measures taken to eliminate harmful traditional practices such as forced and early marriage, levirate marriage, sororate marriage and female genital

mutilation. With regard to the last issue, please indicate: (a) the progress made following the national campaign against female circumcision; (b) the number of complaints and prosecutions, and the number of convictions handed down, under articles 258 to 261 of the Criminal Code; and (c) specify the future steps envisaged to reduce the incidence of female genital mutilation and ensure that mutilated girls and women have access to rehabilitation measures, including medical and psychological care.

Right to life and excessive use of force (arts. 3 and 6)

12. In view of the prevalence of the excessive use of force by the security forces, please provide more detailed information on the reform of the security sector, in particular Act No. L/2015/009/AN of 4 June 2015 on maintaining public order in Guinea and its compatibility with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Please provide statistics for the past five years on the number of investigations opened against police officers who have used excessive force or committed acts of violence and the outcome of those investigations.

13. Please indicate the measures taken to prosecute and punish the perpetrators of mob justice and lynching. In view of the removal of the death penalty from the Criminal Code, please indicate whether the State party intends to revise the Code of Military Justice, which retains the death penalty for certain crimes, and whether it intends to ratify the Second Optional Protocol to the Covenant. Please indicate the number of persons sentenced to death and whether the State party intends to commute their sentences.

14. Please provide statistical data on maternal and infant mortality. Please describe the measures taken to improve access to health services and to those providing information on sexual and reproductive health. In view of articles 263 and 265 of the Criminal Code, please provide statistics for the past five years on the use of legal and illegal abortion and their consequences for women's lives and health.

Prohibition of torture and cruel, inhuman and degrading treatment and treatment of persons deprived of their liberty (arts. 6, 7 and 10)

15. Please explain how the acts referred to in article 232 (2) of the Criminal Code differ from the acts of torture mentioned in article 233 and specify the penalties imposed for such acts. Please respond to allegations that torture and ill-treatment are still practised by the defence and security forces, in particular to extract confessions or information in police custody centres. Please indicate whether there are legal provisions establishing the inadmissibility of statements or confessions extracted under torture. Please provide information on: (a) all the measures taken to prevent and combat torture; (b) complaint mechanisms and remedies available to persons who claim to have been subjected to torture or ill-treatment by State officials; and (c) the exact number of complaints recorded, investigations and prosecutions undertaken, convictions handed down and compensation payments granted for acts of torture during the reporting period. Please indicate whether the State party intends to prohibit the corporal punishment of children in all settings.

16. Please state whether there are plans to establish a national mechanism for the prevention of torture or another independent external oversight mechanism for investigating allegations of such practices. With regard to Decree No. D/309/SGG/PRG/2016 of 31 October 2016, please describe any mechanisms for monitoring all places of detention, including police custody centres. Please indicate the measures taken to address prison overcrowding and to bring detainees' living conditions into line with the requirements of the Covenant. Please indicate the measures envisaged to address the fact that prisoners allegedly suffer from malnutrition, beriberi and paralysis.

Liberty and security of the person (arts. 9 and 14)

17. In view of the revision of the Code of Criminal Procedure, please indicate the measures taken to ensure that fundamental legal safeguards are respected for persons in detention. Please respond to allegations that defendants are held in custody beyond the legal deadlines provided for by article 87 of the Code of Criminal Procedure and specify the measures taken to ensure that this law is strictly enforced.

18. Please comment on reports that the use of pretrial detention by investigating judges is almost routine. Please provide information on the average duration of pretrial detention, the number of persons held in pretrial detention, and the proportion of the total prison population being held in such detention. Please indicate whether the State party intends to compensate persons who have been arbitrarily detained, sometimes for several years, without being brought before a judge. Please indicate the measures taken to ensure that all defendants have access to legal assistance.

Administration of justice (art. 14)

19. Please describe the measures taken to strengthen the capacity of the judicial system, in particular to: (a) combat political influence and corruption; (b) ensure the independence of the judiciary, notably by ensuring that the Supreme Council of Justice is free from any pressure or interference from the executive branch; and (c) reduce delays in the administration of justice, address the lack of resources and staff and ensure that staff are deployed throughout the country. With regard to Act No. 2015/019/AN of 13 August 2015, please specify: (a) its impact on citizens' trust in the justice system; (b) the outcomes arising from the establishment of local information centres and legal clinics in Conakry and the interior of the country; and (c) the impact of the Act on the regular holding of assize court sessions. Please specify the number of magistrate's courts that are still in operation and the date on which they are scheduled to become courts of first instance.

Trafficking in persons and forced labour (arts. 7, 8 and 24)

20. In view of the new article 323 et seq. of the Criminal Code criminalizing trafficking in persons: (a) please specify the mandate, budget and activities carried out by the national unit to combat trafficking in persons and the national committee to combat trafficking in persons and related practices; (b) please provide information on the number of complaints and investigations and their outcomes; (c) please specify the number of victims identified; and (d) please describe the measures taken to raise awareness of these provisions. Please specify the measures taken to: (a) ensure care for victims; and (b) ensure that Guineans abroad, whether they are migrants or victims of trafficking, and notably those returning from Libya, are able to return and obtain access to rehabilitation measures.

21. In view of the high rate of child labour, please provide information on all measures taken to curb this practice, in particular those targeting forced child begging and the exploitation and ill-treatment of girls employed as domestic workers. Please indicate the number of investigations conducted, prosecutions initiated and convictions handed down for the trafficking, smuggling and exploitation of children.

Recognition as a person before the law (arts. 16 and 24)

22. Please indicate the progress made in modernizing the civil registry and birth registration services, including for migrant populations and those living in remote areas. In this regard, please describe the measures taken to implement the recommendations on birth registration made by the Committee on the Rights of the Child (see CRC/C/GIN/CO/2). Please indicate the measures envisaged to: (a) review legal provisions that promote statelessness, in particular, articles 35, 50 to 55, 105 and 106 of the Civil Code and other provisions relating to the deprivation of nationality; and (b) ensure that certain vulnerable groups, such as migrants, have a legal status.

Protection of privacy (art. 17)

23. Please respond to allegations that law enforcement authorities fail to respect the principle of the inviolability of the home and ransack private homes in order to inflict collective punishments. Please indicate whether Act No. L/2016/037/AN of 28 July 2016 establishes a mechanism for the protection of personal data, including in respect of the monitoring, interception, analysis, use and storage of private communications and data and, if so, describe the mechanism in question.

Freedom of expression, peaceful assembly and association, and protection of journalists and human rights defenders (arts. 6, 7, 9, 19 and 21)

24. Please indicate the measures taken to ensure the freedom of the press and respond to allegations that privately owned media outlets have been arbitrarily shut down and suspended. Please comment on the decision taken by the National Communications Council on 28 July 2011 to temporarily suspend all interactive broadcasts relating to the attack on the home of the Head of State. Please provide information on the arrest of Abdoubabacar Camara, the Chief Executive Officer of the radio and television group Gangan, who was allegedly arrested, along with three other journalists, for spreading rumours about the President's state of health. Please indicate the measures taken to ensure the protection of human rights defenders and journalists and respond to allegations that they have been subjected to threats, detention and physical abuse. Please specify whether the State party intends to review its legislation on defamation of the civil service, public authorities, the army, and courts and tribunals and indicate the number of journalists or private persons convicted on the basis of articles 363 et seq. of the Criminal Code.

25. Please respond to allegations that opposition demonstrations have been prevented by law enforcement agencies or banned by the authorities, particularly in Conakry and in the context of elections. Please comment on the Government's decision to ban all political marches from 31 May to 12 September 2012. Please respond to allegations that, in the course of opposition demonstrations, the security forces have carried out mass arrests and used excessive force, resulting in the death of demonstrators.

26. Please provide information on the conditions governing the granting and renewal of approval of associations. Please provide further information on the conditions governing the right of trade unions to strike, particularly with regard to time limits and conditions for obtaining authorization. Please also comment on allegations that 16 trade union activists were reportedly arrested in February 2016.

Participation in public affairs (arts. 19 and 25)

27. Please respond to allegations that, during the 2013 parliamentary elections: (a) threatening and intimidating acts were carried out, mainly against delegates representing opposition parties; (b) the administrative authorities failed in their duty of neutrality by taking advantage of voters' illiteracy in order to influence their votes; (c) a significant number of citizens were unable to register to vote and could not exercise their rights because polling stations were too far away; and (e) some polling stations lacked polling booths.

28. Please provide information on the efforts made to ensure the implementation of the political agreement of 12 October 2016. Please indicate any measures taken to ensure that the local elections of 4 February 2018 were free, fair, transparent and free from violence. Please explain the delays in the announcement of the results and respond to the allegations of fraud. Please provide information on the post-election violence and the way in which it was managed, specifying the number of individuals arrested, injured or killed. Please indicate the measures taken to guarantee the right to vote of Guineans living abroad. Please also provide more information on Organic Act No. L/2017/039/AN of 24 February 2017 establishing a new electoral code, in particular on the process and measures taken to give effect to the Constitutional Court's decision of 15 June 2017 on the Act. Please provide further information on the mandate of the Independent National Electoral Commission and the guiding role played by the Government, in particular the Ministry of Territorial Administration and Decentralization within the framework of article 2 of the new Electoral Code.

29. Please indicate the measures taken to guarantee the public's right to participate in the management of natural resources and decision-making processes relating to investment projects with a social and environmental impact. Please provide further information on the legal provisions guaranteeing citizens' right to information and their implementation in practice, as well as information on the expropriation of land in Saorou in 2011, which led to clashes between people and the security forces.